

# **ELECTORAL MATTERS COMMITTEE**

## **Inquiry into the Impact of Social Media on Elections and Electoral Administration**

Melbourne—Monday, 1 March 2021

*(via videoconference)*

### **MEMBERS**

Mr Lee Tarlamis—Chair

Mrs Bev McArthur—Deputy Chair

Mr Enver Erdogan

Mr Matthew Guy

Ms Katie Hall

Ms Wendy Lovell

Mr Andy Meddick

Mr Cesar Melhem

Mr Tim Quilty

Dr Tim Read

**WITNESS**

Ms Nicola Castleman, Assistant State Secretary, Australian Labor Party, Victorian Branch.

**The CHAIR:** I declare open the public hearings for the Electoral Matters Committee's Inquiry into the Impact of Social Media on Elections and Electoral Administration.

I would like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands each of us are gathered on today, and pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee or who are watching the broadcast of these proceedings.

I welcome Nicola Castleman, Assistant State Secretary of the Australian Labor Party. I am Lee Tarlamis, Chair of the committee and a Member for South Eastern Metropolitan Region. The other members of the committee here today are Bev McArthur, Deputy Chair and a Member for Western Victoria; Katie Hall, Member for Footscray; and Dr Tim Read, Member for Brunswick. Other members may be joining us shortly.

All evidence taken by this committee is protected by parliamentary privilege. Therefore you are protected against any action in Australia for what you say here today. However, if you repeat the same things outside this hearing, including on social media, those comments may not be protected by this privilege. All evidence given today is being recorded by Hansard. You will be provided with a proof version of the transcript for you to check as soon as it is available. Verified transcripts, PowerPoint presentations and handouts will be placed on the committee's website as soon as possible.

I now invite you to commence with an opening statement introducing yourself and what you consider to be the key issues, and then we will go to questions from members.

**Ms CASTLEMAN:** My name is Nicola Castleman, I am the Assistant Secretary with the Victorian branch of the Australian Labor Party. Thank you for the chance to appear in this inquiry, and thank you for maintaining the inquiry during the pandemic and facilitating this, and taking time out of your day to hear me. I am speaking to this submission that we made last year as the Victorian branch of the Australian Labor Party, but I would begin by saying that with the pace of change in social media and in a politically turbulent world it already sounds like yesteryear's submission, which it is. We have already learned a great deal about online activity in political debate in ways we would probably prefer not to, and though we are not, nor will we ever be, America, the power and influence of political fervour playing out online was apparent in that country in early January.

Our submission was fairly brief. It came in two parts: how to make politics online a safer and less aggressive space to be in was one theme, making it less of an online blood sport, and secondly, the issue of online identities. While these are separate themes, they are linked. The character of discussion online is naturally worse when accounts are anonymous. People delight in being particularly aggressive and abusive when they face no accountability for it. Sometimes they themselves do not actually believe what they are saying, it is a release, and plenty of people who have been exposed as to their true online identity have subsequently expressed remorse and regret and even self-wonder at why they said the things they said. They were effectively playing a role, a game, acting out an online fantasy. When this is combined with the already intense environment of online political debate, let alone up-close parliamentary debate, you get what sometimes becomes a nasty cocktail.

I would say that both abuse and anonymity have been weaponised by some political actors online, though I would say that the registration of political parties, the nomination of candidates by the VEC and the traceability of campaign finance keeps political parties in Victoria in a space which makes it much harder for them to enact these behaviours themselves. I would say that objectionable online behaviour is more likely to be played out by groups who have specific interests—sometimes just anti-politics interests, anti-Establishment—or even from foreign influences. This is a known factor in other countries' elections. What we grapple with is how politics will shift and morph online into something unrecognisable and much less representative.

Social media is in its adolescence and, much like my adolescent daughters who are learning to use it, it is adapting to the world very fast as the world adapts along with it. Some of those adaptations pull us apart rather than bringing us together, and we now exist in a country where 71 per cent of the population are active social media users and 62 per cent of users 16 to 24 express concern about what is real and fake on the internet. Those

figures are taken from a social media study from January 2020, so I would say that those numbers have probably jumped since then.

The trolling and abuse of political figures and ideas has become so ubiquitous that we are almost hardened by it. In our organisation, Victorian Labor, we ban expletives from our page so that we are not exposed to online abuse, but we know that it is targeted at our parliamentary representatives far more, so it becomes their occupational hazard. Among Labor women in our federal and state caucuses they all have experiences to relate, as do numerous men. It is clearly a behaviour which is targeted more so at women, but it is used against both women and men. We notice that it is characterised by more sexually degrading and violent remarks against women. I should not need to say this, but so there is no risk of confusion I will say it: this is naturally a hazard for women and men of all political persuasions, but being from the Labor Party I only hear firsthand the accounts from Labor members. We do think some change to the way online comment is regulated we would welcome and would help in any way we can to shed a light on what we do and do not do so that any regulation is truly fair and balanced and realises its intention. I particularly have some comments to make about mechanisms to deal with anonymity online, so I think I will take questions on that rather than going into too much detail in these remarks.

But I will finish with a sobering thought. While I do not want to be dramatic, it would be remiss of me not to mention it. Threatening and abusive words have their own hurt—and I note that just last week the Member for Boothby in South Australia announced her intention to not contest the next election, and she is not alone in declaring her reasons, that she felt it was a very harmful environment for her—but while threats and abuse can be relentless and damaging, they can also lead to the physical harm of political candidates, campaigners, members of Parliament and members of the public when tensions are inflamed by those words. The murder of Jo Cox was a particularly painful and sad example of that, showing that these things do not necessarily exist in a vacuum—there can be a connection between what is said and threatened and shared online and what is done in real and lasting circumstances. There are other more recent examples, but Jo's was a shattering case.

I will leave my introductory remarks. I do have something to say about anonymity online, but it is quite sort of specific. I am happy to talk about it now, but I am also happy just to wait for questions.

**The CHAIR:** Thank you, and I am sure we will take up that point in the questioning as well, but we might kick off the questioning with Ms Lovell.

**Ms LOVELL:** Lee, I have only just joined—unfortunately I was at the dentist, and I did say the other day I would be late—so I have not heard Nicola's presentation. So perhaps start with somebody else.

**The CHAIR:** Not a problem. Ms Hall—Katie?

**Ms HALL:** Thank you, and thank you, Nicola, for that presentation. I am particularly interested in the impact on women candidates and I suppose the disincentive for women or minorities, perhaps people from the LGBTI community getting involved in politics and whether anecdotally from the ALP you are aware of the trolling and the abuse that happens online acting as a disincentive for someone to nominate or to get involved, and therefore do you think it has an impact on democracy and the democratic process?

**Ms CASTLEMAN:** Certainly it is something that we have noted has a greater venom when someone is from a minority group and when someone is a woman. I think it invites comment from people who particularly want to be vocal about those issues and it is seen as an easy target. I do not have any study in front of me about exactly the volume of that and whether that is something that is disputed, but we have noticed particularly that members of our party, candidates and MPs who are LGBTIQ identifying often find that there is some quite sexualised commentary directed towards them. They generally feel kind of confused about that, but I think that it does make others who maybe do not have that skin quite sort of intimidated before they have even reached the arena—a little intimidated by that.

We warn our candidates that they should take certain steps to protect themselves through deleting comments, having banned words. If we do social media training, we give them these instructions to make sure that they are being protected from exposure to it. As I mentioned in the introductory remarks, it does seem to be targeted towards people in those minorities more so, which I think is a character of online. It is nothing they invited themselves; it just happens to be something that people think of as taking an easy shot. I am sure it would be dissuading to people who do not feel like they can take that kind of targeted harassment and who do not really

want to engage in those kinds of personal remarks, and they may have other things in their lives also where they feel particularly exposed to that. It is one of those things that if you have got something personal in your life that you do not want to engage in that kind of harassment, it will make you turn away. We know that there are prospective candidates of ours that do not want to engage in that.

**Ms HALL:** We have had Facebook present to the committee, and I was surprised at how long it took Facebook to respond to very serious trolling—sometimes months—and the impact that that had had on some political candidates. What steps do you think or does the party think that Facebook and some of the social media platforms could take? You mentioned anonymity as an issue. What steps do you recommend that they take to hasten their response to trolling and abusive language, but also, I suppose, misinformation that comes from anonymity?

**Ms CASTLEMAN:** Anonymity is—sorry, I will start from another angle. There is such a great deal of content, such a great deal of discussion online I really do not think that the human intervention of checking the suitability of remarks online is actually something that they could keep up with the administration of. A government body certainly could not do it, especially during an election campaign. I do not think that anonymity online is necessarily a problem. I do not think anonymity online is something that we should do away with. There may be plenty of reasons that somebody wants to be anonymous online—for family reasons, for their own reputation or for their freedom to say what they want to say without being identified as the person saying it.

But what I think would work to make sure that anonymity was not an opportunity for the dissemination of abuse and trolling is for anonymous accounts to be downweighted in how they appear in the algorithm on Facebook or Twitter. Twitter already has a mechanism for downweighting accounts that are just there to create disruptive comment and be abusive, because of their verification system—the comments appear under a different banner if they are not by accounts that seem legitimate—whereas Facebook does not have any mechanism that I have been able to detect to do that. But if they downweighted it, it means that you would give a greater emphasis to people who are there online as themselves, and it would give an opportunity if someone says something defamatory about you and people are at risk of believing it, they would do so if it was a real person. If it is an anonymous person, I think they are more likely to dismiss it, which is what happens on Twitter—people dismiss the brand new, month-old accounts with no followers. But it is very hard to discern what is real and what is not on Facebook because there is none of that judgement about whether someone is real.

I think that the defamation laws as they have been talked about for several years are just not at pace with what behaviour is displayed online. We have got examples of our own candidates and MPs seeing defamatory comments about them and having no power to do anything about it.

**Ms HALL:** Yes, and I suppose that extends to violent threats as well. You can report it to Facebook, but it does not ever seem to be responded to in a quick enough time frame. You could take it to the police, but they would say, 'It's anonymous—we're not sure we can investigate this'. Okay, that is really interesting. Thank you.

**The CHAIR:** Thanks, Katie. Dr Read?

**Dr READ:** My question has just been covered, so I will pass.

**The CHAIR:** No worries. Wendy, did you have a question at this point?

**Ms LOVELL:** No, I am happy with what has been covered. Thank you.

**The CHAIR:** No worries.

**Ms LOVELL:** Hi, Nicola, by the way. I have not seen you for a while.

**Ms CASTLEMAN:** How are you going? We have won three flags since I last saw you.

**Ms LOVELL:** Absolutely! And another one this year to come.

**Ms CASTLEMAN:** Absolutely.

**The CHAIR:** I was going to take up the questioning around the issue of sock puppetry and bots and social bots, which appears to be more of a phenomenon that is being used. Do you think more could be done in that space?

**Ms CASTLEMAN:** Well, I think it is all connected. I am sure that the weaponisation of anonymity is fairly obvious to see. I have never knowingly seen it in action from an operational perspective, but it becomes hard to detect during a campaign where there are obviously people with extreme technical skill who are able to capitalise on those gaps or those opportunities, let us say, in online communications to be able to set up accounts that are not reflective of real people and spread information—and sometimes it is misinformation. So it is something that campaigners will say they were not able to detect until it was reported on later as, ‘The volume was this’, and there is really no way, or no comprehensive way, to know precisely what is going on.

We have seen a couple of examples of deliberate campaigns of misinformation, and I think we are sort of at a stage where we are not really ready for what is to come. There are technologies like deepfakes that we are not equipped to deal with, just in a political sense of how to respond to information that is very convincing but completely fake online. I think that in the example where people are concerned about regulation of speech and communication, I am not concerned about that because most human technologies have been regulated after the fact. Copyright as a regulation was not introduced before mass communication; it was a response to it, and it is the same with defamation laws and so on. So I am not afraid of that regulation, but I think that it is something that you could be smart about and use the technology available to work out what is being manipulated.

We like social media for the fact that it brings people very close to their heroes and celebrities and the political debate. That has always been the attraction of social media. It has always been what is sort of seductive about it, that you can actually send a message to someone and know that they are reading it, that there is no filter and it is not just going into an in-tray. What I would like to see for the health of political debate is that real people are detectable and that they are given a greater place in the debate over anonymous or simply computerised accounts. I think that is something that we can do technically and with hacks for that system rather than trying to monitor the actual content of the speech, because I am not concerned as much about the comments being said as who is saying them. As we have always seen with defamation, you can take action against someone who is being defamatory to you. You cannot do it if you have no idea whether that creation is a real person or not, so it is those gaps I think that are where regulation would be best placed.

**The CHAIR:** No worries. This is probably less about comments on social media and more about that truth-in-advertising space, but a lot of comments that have been made in a lot of our submissions go to the lack of information that is available through archives and ad libraries and how the Facebook ad library is not comprehensive enough. And there have been calls for a comprehensive library of all political advertising in real time that covers all information and ads, including microtargeting, that is easily searchable and includes things like who has been targeted by age demographic, how many clicks, how much they have spent, how long it has run for—all of those sorts of things, which would serve as information for researchers to see over time who is doing what and what the trends are and all those sorts of things but also provide in real time who is targeting who and saying what to whom and therefore provide the opportunity of countering that, particularly if it is a negative campaign or non-factual campaign as well, so that people are aware of who is saying what. A lot of the time people are not aware that campaigns are being run, and that provides the opportunity for people to run misinformation or untruthful campaigns. Is that something that you think might be helpful in that space or a good idea?

**Ms CASTLEMAN:** Yes. And again, it is not something that requires a great deal of human intervention. You have got a transparency layer to the systems, which would allow scrutiny on both sides. At the moment it is far too mysterious as to how these tools are being used. And again, of the various suggestions that have been put about regulation, I think the ones that are much more likely to succeed are the ones that allow that transparency and are technical solutions rather than human intervention, because I think in some transcripts there was some concern raised about content being judged by someone. I think Facebook takes so long to come back to someone claiming that a comment is defamatory or that a comment is abusive because of the volume that their staff need to actually look at; it is too large. Technical solutions and transparencies I think would balance the system in a much more straightforward way, and that goes to your point.

**The CHAIR:** Yes. Thanks. Andy, did you have a question? No? All right. Are there any other questions from any other committee members? If not, I might have one more go. I might just finish up with the classic question—or statement—that some submissions have put forward around when we talk about interventions in

this space, which is the one around freedom of expression, where they suggest that any move to put in place restrictions or intervention in this space is an infringement on people's freedoms. Do you have a view about that?

**Ms CASTLEMAN:** Yes. It sort of goes to my point earlier about copyright, slander and libel laws that did not predate behaviours. It was behaviours which necessitated those laws. Those laws were made in response to behaviours, which accelerated after technological advances. I am, to tell a family secret, an American citizen as well as an Australian citizen, and I do not think that my democracy in America was served by the actions in early January. I think that technology affected that entire event. I do not think that speech was free, I think it was manipulated and I think it led to behaviours that we would not want to see accelerating. So I take issue with the idea that all speech is free and that online activities actually led to behaviours that were damaging to democracy, not serving democracy. That one is kind of a personal one for me. I am speaking about America as someone who is actually feeling a little bit delicate about that entire scenario—not in the abstract—which is why I mentioned that it affected me in a personal way. It affected my family in a personal way. I think that we are always technologically catching up to America, because that is where the technology is coming from, and I would say that the end result of that is that it is not actually good for democracy, how the online technologies are being manipulated. Certain missing legal frameworks, such as whether Facebook is a publisher or a technology, how to prosecute a defamation, how to deal with people who are saying things against you as a political candidate or a member of Parliament when that person is actually a weapon by a sectional interest—I think those things are fairly obvious to see from the perspective of history.

**The CHAIR:** Thank you.

**Mr MELHEM:** If I may follow up on this one: going back to the Trump episode—which I agree with you on, Nicola, and good to see you again—how do you deal with these sorts of things in the future? Do you leave it to the providers, like the Twitters and the Facebooks of the world, to decide what is free speech and what is hate speech and what is basically inciting troubles et cetera, or do you regulate and then these providers have to follow that? It is how you balance that, how you deal with it: do you leave it to them, which could be dangerous, or do you regulate?

**Ms CASTLEMAN:** My strong belief is that anonymity is still one of the key reasons that it is impossible to take anything beyond the abstract at the moment. Because as with any kind of speech, if someone has got an objection to it, they take issue with it, but how can you take issue against a computer sprite if they have said something that you believe is incitement to violence or that you want to prosecute in a court of law that is defamatory? If that account that is saying that is actually simply a weapon in the hands of someone who wants to hide behind it, I think it is impossible to really take that.

We have not required organisations to always be the ones that are regulating speech. We have allowed individuals to regulate speech by taking it to court, but we cannot do that at the moment. It is very difficult to be a viewer of Facebook and make any objection to it, because it is something that all this speech goes into and comes out of but there is no accountability for it. I am sure that so much of what was said before 6 January, that was said by people who were very difficult to identify before the fact—I mean they were easy to identify once the actions happened, because they happened physically, but before that happened—it was just a huge amount of anonymized online content, which would have made it very difficult for anyone to take action against an individual for their hate speech or for their defamatory comments or for their incitements to violence. So I do not think we are necessarily asking for regulation by the providers. I think we are asking for transparency of the system to allow action to be taken by individuals.

**Mr MELHEM:** And that is the point I am making—that, for example, with the Twitter actions you will have the conservative people saying it is a left-wing view—‘You basically shut down Trump for a number of days’—where you do the opposite on the left side of politics, let us say if Newscorp or Murdoch, for example, might decide they do not like a left-leaning politician's comment, or something about something: ‘Then I will shut them down’. It is how you deal with these sorts of things. I know it is a difficult one but it is something that is sort of going to be a real issue for the next whatever period of the new age.

**Ms CASTLEMAN:** Yes. Trump is probably a case that is separate to the issue of anonymity online. I admit I have got no answer to that one. I do not know what a provider would need to do about a character such as Donald Trump, but again he is prosecutable because he is not anonymous, if you get my point.

**The CHAIR:** All right. Thank you. Are there any last questions? No.

**Ms CASTLEMAN:** I did not intend to talk about Donald Trump, Lee—I just wanted to say I did not come here to talk about Donald Trump, but there you go.

**The CHAIR:** There you go. You never know what rabbit hole you are going to disappear down.

**Ms CASTLEMAN:** He is in the news again today, so, you know, it is obviously top of my mind.

**The CHAIR:** Absolutely. Look, thank you, Nicola, for your presentation today and for the ALP's submission. It has been very insightful and helpful for our inquiry, and there may be some follow-up questions either from the committee members today or from some members who were unable to attend. So if there are, we will forward those on to you via the secretariat. But again, thank you for your time today.

**Ms CASTLEMAN:** No problem. Wendy, I hope I see you around at the footy some time during the year, and we get another flag.

**Ms LOVELL:** Absolutely. Will you be there to see the two flags unfurled?

**Ms CASTLEMAN:** Hopefully. I am trying to get tickets.

**Ms LOVELL:** I think I have got tickets because of my level of membership at Richmond, but fingers crossed anyway.

**Ms CASTLEMAN:** Well done.

**Ms LOVELL:** I have to just convince Jacqueline not to sit late on the Thursday night. That is my problem.

**Ms CASTLEMAN:** I am sure some Tiger supporter will provide it there. Goodbye, everybody.

**Witness withdrew.**